

3.0 COMMENTS AND COORDINATION

3.1 DOCUMENT COORDINATION

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. It helps the California Department of Transportation (Caltrans) determine the necessary scope of environmental documentation, the level of analysis required, potential impacts, and mitigation measures as a result of project implementation, and related environmental requirements. Agency consultation and public participation for the proposed project have been accomplished through a variety of formal and informal methods, including project development team (PDT) meetings, interagency coordination meetings, and public meetings. This chapter summarizes the results of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

3.1.1 PUBLIC AND AGENCY SCOPING PROCESS

Contra Costa Transportation Authority (CCTA) and Caltrans conducted outreach during the scoping for this project. Communication efforts included several channels of outreach, including mailers to residents along the project corridor, a press release on the CCTA website, and a factsheet (available in English and Spanish) with information about the project. CCTA, Concord, and the project design team held a focused business owners meeting on June 19, 2013 with several commercial property owners in the immediate project area. A total of eight guests were in attendance. The questions raised by the business owners were generally related to the Build Alternative section process, project funding, and the resource topics that would be considered in the environmental documentation prepared for the project.

A public meeting was held on June 17, 2014, from 6:00 PM to 8:00 PM, at the Civic Center of Concord Council Chambers, located at 1950 Parkside Drive in Concord, to solicit input on the preliminary Build Alternatives from local agencies and the community. The associated project mailers were sent on May 29, 2014 and included the public meeting location and time (in English and Spanish). The meeting notice was posted on the CCTA online "Press Releases" webpage on June 13, 2014.

Five members of the community attended and provided feedback regarding their concerns and comments about the project. The meeting included a presentation of the goals and benefits of the alternatives being considered. After the presentation, the meeting attendees were given the opportunity to ask questions and submit formal comments (verbal and/or written). Exhibit boards of the proposed Build Alternatives were displayed at the meetings.

The comments received during the June 2014 meeting were related to the proposed improvements and potential displacement of businesses. The public comments also supported development of crosswalks, pedestrian trails, and bicycle facilities at various locations within the project area. Additionally, the public expressed interest in new and widened sidewalks on Market Street. Commenters requested the installation of pedestrian signals at the project area intersections, as well as lighting and security cameras at the pedestrian undercrossing. Concerns were raised about whether the implementation of the Build Alternatives would inadvertently lead to the creation of areas that attract homeless encampments (i.e., open areas under bridge structures and isolated vacant lots). The project team responded that some of these issues would be evaluated in the environmental document. **Section 2.1.5, Visual/Aesthetics**, includes measures (**Measure VIS-3**) to avoid the inadvertent creation of areas that appeal to homeless encampments. Vacant areas under new ramp bridges will be fenced off. Other measures such as brush removal and placement of larger landscaping space-fillers, such as boulders, may also be considered during the final design phase of the project.

3.1.2 CONSULTATION AND COORDINATION WITH PUBLIC AGENCIES

PROJECT DEVELOPMENT TEAM

Regular PDT meetings provided the forum for coordination, issue resolution, and information feedback between Caltrans, CCTA, and project consultants.

PDT meetings have occurred since 2013, and will continue to occur throughout the remainder of the environmental and project approval process. The PDT represents various fields of expertise, including design, environmental review, traffic operations, right-of-way, and project management. Accordingly, the PDT convenes to review the project status, address issues as they arise, and provide overall direction throughout the project development process.

AGENCY CONSULTATION

In addition to the PDT meetings, there are several other public agencies involved in environmental clearance and permitting of the Build Alternative. These agencies include the State Historic Preservation Officer (SHPO), and the Metropolitan Transportation Commission (MTC) Air Quality Conformity Task Force.

As noted in **Section 2.3.2, Wetlands and Other Waters**, Pine Creek is the only potentially jurisdictional Water of the U.S. within the biological study area (BSA). No potentially jurisdictional wetlands were identified within the BSA. Given that Build Alternatives 1 and 2 would not affect Pine Creek, no further coordination with the United States Army Core of Engineers (USACE) is anticipated for this project.

The original segment of the aqueduct is the only historic property in the project area of potential effect (APE). While the original segment of the aqueduct is within the project APE, the limits of construction for the project would not affect this resource (see **Section 2.1.6, Cultural Resources**). The determination of no effect was filed with SHPO for concurrence. On August 7, 2015, SHPO

issued a letter of concurrence for the *Finding of No Adverse Effect* and the National Register of Historic Places (NRHP) eligibility determinations for the architectural resources under Section 106 of the National Historic Preservation Act.¹ No further consultation with SHPO is anticipated.

The proposed project is listed in the 2013 *Plan Bay Area* financially constrained Regional Transportation Plan (RTP) which was found to conform by MTC on July 18, 2013, and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) made a regional conformity determination finding on August 12, 2013. The 2015 Transportation Improvement Program (TIP) is the most current conforming TIP, which was adopted by MTC on September 24, 2014 and approved by the FTA and the FHWA on December 15, 2014. A general description of the Build Alternatives (Project Reference No. 22388) and TIP ID CC-070024 was included in the regional emissions analysis conducted by MTC for the 2040 Plan Bay Area and the 2015 TIP. The design concept and scope of the proposed project is consistent with the project description in the 2013 RTP and the open to traffic assumptions of the MTC's regional emissions analysis.

A quantitative particulate matter (PM) analysis is required under the United States Environmental Protection Agency (U.S. EPA) Transportation Conformity rule for projects of air quality concern (POAQC). On March 10, 2006, the U.S. EPA published a final rule that establishes the transportation conformity criteria and procedures for determining which transportation projects must be analyzed for local air quality impacts. MTC's Air Quality Conformity Task Force met on August 28, 2014 as part of interagency consultation for the Build Alternatives and took action to conclude that the project was not a POAQC.

The FHWA retains air quality conformity determinations under NEPA. The Air Quality Conformity Assessment prepared for this project will be submitted to FHWA for concurrence on the conformity determination after the public circulation of this IS/EA is complete.

Table 3-1 identifies permits and approvals that would be required for project construction.

Table 3-1 Permits and Approvals Needed

Agency	Permit/Approval	Status
State Historic Preservation Officer (SHPO)	Concurrence on Finding of No Historic Properties Affected	Concurrence issued August 7, 2015
Contra Costa County Flood Control and Water Quality District	Construction Permit (work within Pine Creek right-of-way)	Issued during the Final Design Phase

¹ The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations [CFR] 800).

Agency	Permit/Approval	Status
East Bay Municipal Utility District	Construction Permit (work within Mokelumne aqueducts right-of-way)	Issued during the Final Design Phase
Federal Highway Administration (FHWA)	Concurrence on Project-Level Air Quality Conformity	Air Quality Conformity Assessment will be submitted for FHWA concurrence after public review of the IS/EA

3.1.3 PUBLIC PARTICIPATION

NOTICE OF AVAILABILITY OF THE ENVIRONMENTAL DOCUMENT

A Notice of Availability was circulated to the project mailing list and to parties listed on the distribution list (see **Chapter 5.0, Distribution List**). All property owners/occupants within a 500-foot radius of the project limits received a project mailer informing them of the availability of the IS/EA. The notice provided information on the project including, a summary of the alternatives being considered, where the environmental document can be reviewed, the address to where comments can be sent, and the close of the comment period.

PUBLIC OPEN FORUM HEARING

Information on this project will be presented at the following public open forum hearing:

Tuesday, September 20, 2016, 6:00-8:00 p.m.
 Concord Civic Center, Council Chambers
 1950 Parkside Drive, Concord, CA, 94519

3.1.4 NATIVE AMERICAN CONSULTATION

On January 16, 2014, archaeologists contacted the Native American Heritage Commission (NAHC) requesting a search of the Sacred Lands File on behalf of the project. The NAHC responded to the request on January 24, 2014; the record search of the Sacred Lands File did not indicate the presence of Native American cultural resources within the project APE.

The NAHC provided a list of three Native American individuals and organizations that might have information pertinent to the project area, or have concerns regarding the proposed Build Alternatives' actions. On February 6, 2014, letters were sent to the following three contacts provided by the NAHC:

- The Ohlone Indian Tribe (Ms. Katherine Erolinda Perez, Representative)
- The Ohlone Indian Tribe (Mr. Andrew Galvan, Representative)
- Trina Marine Ruano Family (Ms. Ramona Garibay, Representative)

The letters contained a brief project description and requested information regarding any unrecorded Native American cultural resources or other areas of concern within or adjacent to the project APE. The letters also included a solicitation for comments, questions, or concerns with regard the project. On Friday June 6, 2014, a second letter was sent to the three contacts provided by the NAHC to provide an update on the survey results for the project. None of the Native American individuals and organizations consulted expressed comments or concerns regarding the project, nor did they request archaeological or Native American monitoring of ground-disturbing work associated with the Build Alternatives. There are no archaeological resources within the project APE that warrant an archaeological or Native American monitor.

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